

# The Board of County Commissioners

Seth Grigg  
Executive Director



# First BOCC Meeting

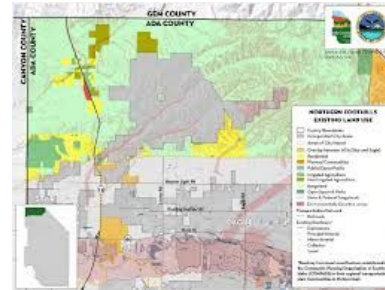
- 2nd Monday in January
- Administer oath of office for elected officials
- Election of BOCC chair



# One Board, Three Hats



# BOCC Responsibilities



# Boards, Commissions, and Committees



**Public Health**  
Prevent. Promote. Protect.

---

**Idaho Public Health Districts**



# Law Making vs Policy Making

31-714. ORDINANCES – PENALTIES. The board of county commissioners **may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho,** and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein, and may enforce obedience to such ordinances with such fines or penalties, including infraction penalties, as the board may deem proper; provided, that the punishment of any offense shall be by fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.



# What is an Ordinance?

## Law of the County:

- Published rules that have force and effect of law
- Equivalent to a state or federal statute
- Can be criminally enforceable up to a misdemeanor
- Generally only enforceable within unincorporated areas of the county



# County Ordinances: When Required

- Solid waste disposal rules and regulations (IC § 31-4406)
- Zoning ordinances or building codes (IC §§ 39-4116 and 67-6511)
- IC § 63-602NN exemption criteria
- Agriculture Protection Areas (IC §67-9704)

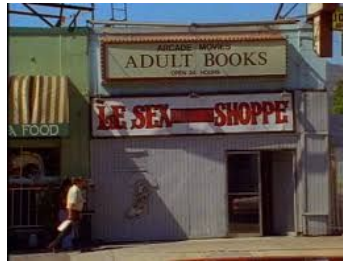


# Discretionary Ordinances

- When authorized by constitution or statutes
- Management and rules in county parks
- Dogs/Animals
- Noise
- Large gatherings
- Alcoholic beverage licenses
- Addressing
- Noxious weeds

# Ordinances: When Prohibited

- When county lacks statutory or constitutional authority
  - Constitutional preemption
    - Civil rights (speech, religion, voting rights)
    - Unlawful discrimination
- When lawmaking in an area preempted by state or federal law



# County Resolutions

- Robert's Rules of Order on Resolutions
  - More formal motion and order
  - More elaborate and formally written
  - Or motion of a longer nature
- Usually directing an action by a county office, the Board, or setting a policy or position
- Often used by a governing body to express an opinion

# WHEN IS A RESOLUTION REQUIRED?

- Disaster declarations (IC § 46-1011)
- Promulgating rules and procedures for non-medical indigent assistance (IC § 31-3401)
- Destroying county records (IC § 31-871)
- Adopting county budget (IC § 31-1605)
- Sole source procurement (IC § 67-2808)

# WHEN IS A RESOLUTION REQUIRED?

- Transferring money from an inoperative fund (I.C. § 31-1508)
- Declaring an odd lot property or transferring property to another political subdivision (IC §31-808)
- Forming a county hospital board (IC §31-3601)
- Waiving a local magistrate judge (IC §31-879)
- Allowing the sale of liquor on Sundays (IC §23-308)

# WHEN CAN YOU USE A RESOLUTION?

- Setting county fees (I.C. §§ 31-870 and 63-1311)
- Declaring a special day/month
- Establishing more formal county policies or positions
- As authorized by your ordinances

# HOW TO SET COUNTY SERVICE FEE?

- County can impose fees for services provided by the county that would otherwise be funded by ad valorem tax revenue.
- Fee must be reasonably related to, but shall not exceed, the actual cost of the service being rendered.
- If new fee or increase to fee over 5 percent (IC 63-1311A):
  - Public hearing to receive comment about the new fee or increase required;
  - Notice of hearing must run in newspaper of record once a week for two weeks;
  - Statute provides several noticing alternatives.

# ORDINANCE OR RESOLUTION?

1. Modifying county personnel policy
2. Regulate the siting of large confined animal feeding operations and facilities
3. Adopting meeting bylaws for the Board of Commissioners
4. Forming the county Arts and Culture Committee



# Supervision of County Officials

31-802. SUPERVISION OF COUNTY OFFICERS. To supervise the official conduct of all county officers, and appointed boards or commissions of the county charged with assessing, collecting, safekeeping, management or disbursement of the public moneys and revenues; see that they faithfully perform their duties; direct prosecution for delinquencies; approve the official bonds of county officers, and when necessary, require them to make reports, and to present their books and accounts for inspection.



# Power of the Purse

- Approval of county budget
- Salaries of officers
- Procurement of goods and services
- Review and approval of claims



# Operating and Personnel Policies

- County personnel policy
- County travel policy
- County procurement policy
- County credit card policy
- Courthouse hours (with some exceptions)



# Direct Supervision

- BOCC administrative and clerical staff
- Department heads

